

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**ESTATE OF BARBARA JEANETTE DESKIN, DECEASED**

*By and Through Teresa*

*Ann Currier, Executrix of Estate Of*

*Barbara Jeanette Deskin, Deceased*

**PLAINTIFF**

**V.**

**CAUSE NO. 3:19-CV-265-MPM-JMV**

**DIVERSICARE OF SOUTHAVEN, LLC D/B/A  
DIVERSICARE OF SOUTHAVEN; DIVERSICARE  
MANAGEMENT SERVICES CO.; DIVERSICARE  
LEASING COMPANY III, LLC; AND DIVERSICARE  
HEALTHCARE SERVICES, INC.**

**DEFENDANTS**

**ORDER**

This matter is before the court upon the motion of plaintiff's counsel to excuse the appearance of local counsel on behalf of plaintiff at certain depositions and hearings. Doc. # 17.

Local Uniform Civil Rule 83.1(d)(3) requires that "at least one resident attorney . . . must personally appear and participate in all trials, in all pretrial conferences, case management conferences and settlement conferences, hearings and other proceedings conducted in open court, and all depositions or other proceedings in which testimony is given." Plaintiff's local counsel have requested the court waive the Uniform Local Civil Rule 83.1(d)(3) requirement that a resident attorney attend depositions and hearings in person. Doc. #17.

The motion, as made, is hereby denied pursuant to the Local Rule as no exigent circumstances warrant any blanket exception. However, the court notes that local counsel and foreign counsel are members of the same firm. Therefore, local counsel may appear by phone for the depositions mentioned in the motion only.

**SO ORDERED**, this, the 24<sup>th</sup> day of January, 2020.

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE